

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOSHUA HOWARD,

Plaintiff,

v.

Case No. 17-cv-1353-pp

ANTHONY MELI, JEREMY WESTRA
and CAPTAIN CYNTHIA RADTKE,

Defendants.

**ORDER SCREENING PROPOSED AMENDED COMPLAINT AND DIRECTING
DEFENDANTS TO ANSWER AMENDED COMPLAINT**

The plaintiff is a Wisconsin state prisoner representing himself. On June 18, 2018, the court screened his complaint and allowed the plaintiff to proceed on claims that the defendants retaliated against him by transferring him to another prison—a facility that they knew would subject him to conditions he was not psychologically equipped to handle—for helping a fellow inmate with his case. Dkt. No. 8 at 7. The defendants filed an answer on August 17, 2018. Dkt. No. 12. The plaintiff has filed a proposed amended complaint. Dkt. No. 14.

In his cover letter to the proposed amended complaint, dated August 15, 2018, the plaintiff asked the court to allow the amended complaint under Federal Rule of Civil Procedure 15(a) since he has “not received a responsive pleading from the defendants or find that it is in the interest of justice as the amended complaint omits the mental health claim as GBCI has sufficiently accommodated me since my arrival in November.” Dkt. No. 14-1.

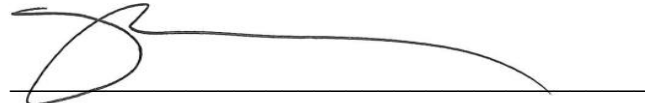
The proposed amended complaint states the same claims as the original complaint, but leaves out reference to the medical condition that the plaintiff feared would not be accommodated at the new institution (Green Bay Correctional Institution). The court will grant the plaintiff leave to file the amended complaint. See Fed. R. Civ. P. 15(a).

The court **ORDERS** that the proposed amended complaint, dkt. no. 14, is the operative complaint in this case.

The court **ORDERS** that the defendants shall file a responsive pleading to the amended complaint.

Dated in Milwaukee, Wisconsin this 4th day of December, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', is written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge